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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,056	06/25/2001	Hideki Kanemoto	L9289.01155	9875

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Stevens Davis Miller & Mosher
1615 L Street NW Suite 850
Washington, DC 20036

EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,056

Applicant(s)

KANEMOTO ET AL.

Examiner

Sujatha Sharma

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/25/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,5 are rejected under 35 U.S.C. 103(a) as being anticipated by Bergkvist [US 5,822,696] in view of Kransmo [US 6,597,911].

Regarding claims 1,5, Bergkvist discloses a method of selecting a communications channel based on handover intensity. Bergkvist further discloses a method wherein a mobile communication terminal comprises:

- A comparison selector for performing a comparison selection operation where the base station with the best received quality is. See column 5, lines 53-59
- A measure for measuring the switching frequency of handovers at a pre-determined interval. See col. 5, lines 59-62

Art Unit: 2684

- Said comparison selector reduces the frequency of comparison selection (meaning reduces the number of handovers) when the switching frequency is equal to or greater than a pre-determined threshold. See col. 6, lines 32-40

Bergkvist does not disclose a method of measuring or monitoring the control channels during handoff.

However the method of measuring or monitoring the control channels during handoff is taught by Kransmo. Kransmo teaches that it is necessary to monitor the control channel for handoff purposes so that the user can roam seamlessly between cells. See col. 4, lines 19-29.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Kransmo to Bergkvist in order to improve handoff decision and reduce call drop.

2. Claims 2,4,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergkvist [US 5,822,696] in view of Touru [GB 2 333 424 A].

Regarding claims 2,4,6 Bergkvist discloses all the limitations as claimed. However he fails to disclose a method wherein the mobile apparatus further comprises a receiver for receiving a plurality of control channel signals for detection of incoming calls, when the frequency of the comparison selection operation is reduced.

Touru, in the same field of endeavor, teaches a method of detecting the radio base station even in the waiting state or during telephone conversation. See page 8, lines 13-23.

Art Unit: 2684

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Touru to Bergkvist in order to reduce call drop and thus improve the performance of the system.

Regarding claim 3, Bergkvist further discloses

- A recorder for recording of selection times for each hand-over according to selection result. See col. 5, lines 59-62
- Said receiver receives plurality of control channel signals, which are assigned hand-over ends with higher selection frequency, for detection of incoming calls. See col. 5, line 53 – col. 6, line 40.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hirose [US 6,064,890] Mobile communication apparatus with improved base station monitoring

Hofmann [US 6,112,066] Mobile radio set and method of determining the reception field strength

Neufeld [US 6,278,703] Method and apparatus for improving neighbor searching performance

Lundborg [US 6,434,386] Method and system for monitoring power output in transceivers

Art Unit: 2684

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sujatha Sharma
June 15, 2004


NAY MAUNG

SUPERVISORY PATENT EXAMINER